

# **Town Board Minutes**

## **Meeting No. 18 *Special Meeting***

**JULY 19, 1999**

MEETINGS TO DATE 18  
NO. OF REGULARS 13  
NO. OF SPECIALS 5

LANCASTER, NEW YORK  
July 19, 1999

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19<sup>th</sup> day of July, 1999, at 8:00 PM and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
NEIL CONNELLY, COUNCIL MEMBER  
WILLIAM MARYNIEWSKI, COUNCIL MEMBER  
MARK MONTOUT, COUNCIL MEMBER  
DONNA STEMPNIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** FRANK DE CARLO, PLANNING BOARD MEMBER  
DAVID MARRANO, PLANNING BOARD CHAIRMAN  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of three (3) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
ERIC AND ANNE PUTNAM REZONE MATTER**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Eric and Ann Putnam rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
ERIC AND ANNE PUTNAM REZONE MATTER  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately .5 acres.

The location of the premises being reviewed is situate at 5250 Genesee Street.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:  
(except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
**No adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No adverse effects noted**

D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

July 19, 1999

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

July 19, 1999

**IN THE MATTER OF THE SEQR REVIEW OF THE  
RICHARD AND MARY SHARPE REZONE MATTER**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Richard and Mary Sharpe matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SZYMANSKI  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
RICHARD AND MARY SHARPE  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 1.18 acres.

The location of the premises being reviewed is situate 5161 Transit Road.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:  
(except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
**No adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

July 19, 1999

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

July 19, 1999



**IN THE MATTER OF THE SEQR REVIEW OF THE  
SALVATORE'S GARDEN PLACE HOTEL SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Salvatore's Garden Place Hotel site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER GOBER  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
SALVATORE'S GARDEN PLACE HOTEL SITE PLAN MATTER  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately .25± acres.

The location of the premises being reviewed is situate at 6615 Transit Road.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
**No adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No adverse effects noted**

D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

July 19, 1999

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

July 19, 1999

**IN THE MATTER OF THE SEQR REVIEW OF THE  
NEC TRANSIT/WILLIAM LLC REZONE MATTER**

The Municipal Review Committee by resolution (attached) re-opened the SEQR proceeding on the subject rezone for the purpose of reconsidering on the long Environmental Assessment Form the Impact on Land which would be caused by the proposed rezone and resulting development. There was a discussion of the impact and magnitude as outlined on the Long Environmental Assessment Form, entitled "Part II Environmental Assessment", Impact on Land subsection, specifically relating to the parking of 1,400 motor vehicles which is in excess of the 1,000 motor vehicles recited as a threshold example on the Assessment Form.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

**RESOLVED**, that the following Positive Declaration be adopted.

**NOTICE OF DETERMINATION:  
NEC TRANSIT/WILLIAM LLC REZONE MATTER  
POSITIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found a significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Positive Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately  $\pm$  36 acres.

The location of the premises being reviewed is the north east corner of Transit Road and William Street.

### REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Long Environmental Assessment Form on this proposed action as follows:

1. The proposed action will result in a large physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will have a small to moderate affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g).

15. The proposed action will have a small to moderate affect on existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will be small to moderate objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate affect on the character of the existing community.
20. There is public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

July 19, 1999

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Positive Declaration" Notice of Determination of in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Positive Declaration" Notice of Determination in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Positive Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

July 19, 1999

**UPON MOTION DULY MADE, SECONDED AND CARRIED  
BY UNANIMOUS VOICE VOTE, THE MUNICIPAL REVIEW  
COMMITTEE ADOPTED THE FOLLOWING RESOLUTION:**

**WHEREAS**, the SEQR Municipal Review Committee (MRC) of the Town of Lancaster after further consideration deems it appropriate to re-open the SEQR Review of the project known as NEC-TRANSIT/WILLIAM which involves the rezone of approximately fifteen (15) acres from a CMS-Commercial Motor Service District to a GB-General Business District, and the rezone of approximately twenty-one (21) acres from an R1-Residential District to a GB-General Business District in order to re-evaluate its finding made on June 7, 1999, with regard to the impact the project would have on land, specifically the example posed in the Environmental Assessment Form Part 2, relating to parking of more than 1,000 motor vehicles;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Municipal Review Committee of the Town of Lancaster hereby re-opens the SEQR review process relating to the above mentioned rezone to reconsider its finding on impact on land this project would have, specifically to the parking of more than 1,000 motor vehicles which is proposed as part of the development of the site.

The resolution was thereupon declared duly adopted.

July 19, 1999

File: rmcseqr.799



**UPON MOTION DULY MADE, SECONDED AND CARRIED  
BY UNANIMOUS VOICE VOTE, THE MUNICIPAL REVIEW  
COMMITTEE ADOPTED THE FOLLOWING RESOLUTION:**

**WHEREAS**, the SEQR Municipal Review Committee (MRC) of the Town of Lancaster has caused a further review and consideration of its finding on impact on land that would be occasioned by the change of zoning on parcels of land at the intersection of Transit Road and William Street, one parcel being approximately fifteen (15) acres which is proposed to change from a CMS-Commercial Motor Service District to a GB-General Business District, and a twenty-one (21) acre parcel which is proposed to change from an R1-Residential District One to a GB-General Business District, and specifically the impact of the zoning change and the subsequent development, including a parking area for 1,400 motor vehicles would have on land, and

**WHEREAS**, the threshold recited for a vehicle parking lot under the land impact section of Part 2 is a threshold of 1,000 motor vehicles and the project proposed through this rezone would involve parking for 1,400 motor vehicles, and

**WHEREAS**, the Municipal Review Committee after discussion of the 1,400 space parking area proposed, has determined that since a parking lot with this number of proposed spaces exceeds the threshold example set out in Part 2 Check List that construction of such parking lot would have to be a large impact and that this impact may not be subject to mitigation, and

**WHEREAS**, once an element is determined to be a large impact on the Environmental Assessment Form Part 2, the MRC must issue a Positive Declaration and the developer must be required to submit a Draft Environmental Impact Statement to the MRC for review;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Municipal Review Committee of the Town of Lancaster hereby issues a Positive Declaration on the subject rezone at the intersection of Transit Road and William Street based upon the determination that a parking lot of 1,400 motor vehicles would be a large impact on the land and that as a result the developer shall also be required to submit a Draft Environmental Impact Statement (DEIS) to the MRC, said DEIS to address the impact such a parking area would have on drainage, wetlands and traffic.

The resolution was thereupon declared duly adopted.

July 19, 1999

File: rncseqr.799

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was  
adjourned at 7:05 P.M.

Signed Robert P. Thill  
Robert P. Thill, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 19**

***Regular Meeting***

**July 19, 1999**

MEETINGS TO DATE 19  
NO. OF REGULARS 14  
NO. OF SPECIALS 5

LANCASTER, NEW YORK  
July 19, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 19th day of July, 1999 at 8:00 P.M. and there were

**PRESENT:** NEIL CONNELLY, COUNCIL MEMBER  
WILLIAM MARYNIEWSKI, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:**

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
JOHANNA COLEMAN, RECEIVER OF TAXES  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

**EXECUTIVE SESSION:**

At 9:35 P.M. the Town Board went into Executive Session.

At 9:40 P.M. the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Buehler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Noted that a minimal amount of tax dollars are spent on the local Meals on Wheels Program.
- Asked for both business and private support of this worthy program.

**Clancio, George**, 64 Northwood Drive, Spoke to the Town Board on the following matters:

- Urged the town Board to acquire small unbuildable 30 foot by 12 foot bingo lots in the William/Transit area for use as green space and a conservation area.
- Questioned why the Town Board did not give public notice of their intent to re-open and reconsider their previous negative declaration decision on the NEC William/Transit rezone matter.

**Hammer, Fred**, 240 Ransom Road, Spoke to the Town Board on the following matter:

- Presented a suggestion that IDA tax abatement agreements set forth some provision for funding of local charities like the Meals on Wheels Program.

**Kless, Mary**, 2055 Como Park Blvd., spoke to the Town Board on the following matter:

- Expressed bewilderment at how fast the Town Board moves and votes upon various matters on the prefiled agenda.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matters:

- Noted that Section 485b Tax Abatement information is available from the assessor.
- The future development of the Garden Place Hotel

**Smaczniak, Robert**, 1164 Penora Street, spoke to the Town Board on the following matters:

- Read a prepared statement containing several questions relative to the tax impact of the NEC Transit/William LLP rezone matter.
- Urged the Town Board to support the green space programs of Vice President Gore.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law No. 4 of the Year 1999 entitled "Abolition of the Office of Receiver of Taxes and Assessments of the Town of Lancaster, New York".

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**  
None

**OPPOSERS**  
None

**COMMENTS & QUESTIONS**  
None

ON MOTION BY COUNCIL MEMBER MONTGOMERY, AND SECONDED BY COUNCIL MEMBER CONNELLY AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:34 P.M.

**PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:**

At 9:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Richard and Mary Sharpe for Commercial Motor Service at 5161 Transit Road.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**  
None

**OPPOSERS**  
None

**COMMENTS & QUESTIONS**  
None

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER MARYNIEWSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:03 P.M.

**PUBLIC HEARING SCHEDULED FOR 9:15 P.M.:**

At 9:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Eric and Anne Putnam to operate a beauty salon at 5250 Genesee Street.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPONENTS**

**ADDRESS**

Joseph Keefe, Attorney for the petitioner  
Harold Stephan  
Ronald Begrich

5244 Genesee Street  
5238 Genesee Street

**OPPONENTS**

**ADDRESS**

None

**COMMENTS & QUESTIONS**

**ADDRESS**

Gloria Kubicki

15 Maple Drive

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED BY COUNCIL MEMBER MARYNIEWSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:25 P.M.

**PUBLIC HEARING SCHEDULED FOR 9:30 P.M.:**

At 9:30 P.M., the Town Board was scheduled to hold a Public Hearing to hear all interested persons upon a proposed Special Use Permit Application as petitioned by Alan Kozlowski for 473 Aurora Street.

**This Public Hearing was canceled.** The petitioner, by letter dated July 16, 1999, requested that his petition be withdrawn.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on July 6, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: RMIN (P2)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated July 15, 1999, has recommended appointments for the Youth Bureau's 1999 Summer Programs,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be and are hereby appointed to positions in the Youth Bureau's 1999 Summer Programs of the Town of Lancaster effective July 19, 1999 at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Cheryl Glose 9 Country Place Lancaster, New York	Technical Director Summer Theatre Workshop	\$15.00 hr.
Matthew Cool 103 Rockland Road Tonawanda, New York	Orchestra Conductor Summer Theatre Workshop	\$15.00

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: Rpers.seasonal (P2-3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

**WHEREAS**, new developments along the Transit Road corridor may further increase the volumes of traffic during certain periods of time, and

**WHEREAS**, the increased volume may negatively affect the levels of service at various intersections throughout this area of town and further change the residential character of the area, and

**WHEREAS**, it would be beneficial if developments on opposite sides of Transit Road were coordinated as to curb cuts and traffic management measures, as well as setbacks, green space and land use;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster requests that the Town of Cheektowaga notify the Lancaster Town Clerk and Lancaster Building Inspector of all developments along Transit Road and submit copies of the plans for same; and
2. That the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Town Board of the Town of Cheektowaga and further to provide any and all project proposals, studies or plans as received relative to Transit Road in the Town of Lancaster to the Town of Cheektowaga for review and comment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: rchkwaga.799

9

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, after adoption of Local Law No. 3 of the Year 1999 amending Chapter 21 of the Town Code - "Floodplains" as required by the Flood Emergency Management Agency (FEMA) of the Federal Government the Town has now been advised by FEMA , in a letter dated July 8, 1999, that there was an error in the original information provided and as a result Local Law No. 3 of 1999 must be rescinded and a new Local Law adopted in its place, which sets forth the corrected language received from FEMA, and

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety Local Law No. 3 of the Year 1999 and identified as Section 21-5 and Section 21-6 of Chapter 21, entitled "Floodplains", of the Code of the Town of Lancaster and to enact in place thereof a proposed Local Law No. 5 of the Year 1999, and designated as Sections 21-5 and 21-6 of Chapter 21-Floodplains, of said Code, which shall read as follows:

**FLOODPLAINS  
CHAPTER 21**

**Proposed  
LOCAL LAW NO. 5  
OF  
THE YEAR 1999**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY DELETING AND REPEALING, IN ITS ENTIRETY, LOCAL LAW NO. 3 OF THE YEAR 1999 AND IDENTIFIED AS SECTION 21-5 AND SECTION 21-6 OF CHAPTER 21, OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED: "FLOODPLAINS", AND REPLACING IT WITH A NEW LOCAL LAW OF 1999, ENACTING NEW SECTIONS 21-5 AND 21-6 OF CHAPTER 21, "FLOODPLAINS" OF THE CODE OF THE TOWN OF LANCASTER.**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, as follows:

**Section 1.**

The Code of the Town of Lancaster is hereby amended by deleting and repealing Section 21-5 and Section 21-6 of Chapter 21- "Floodplains," of said Code.

**Section 2.**

The Code of the Town of Lancaster is hereby amended by adding thereto Local Law No. 3 of the Year 1999, to replace Section 21-5 and Section 21-6 of Chapter 21 as herein above repealed, and further designated as Section 21-5 and Section 21-6 of Chapter , Article 1 of said Code and shall read as follows:

**§21-5. Applicability.**

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster, Erie County, New York.

**§21-6. Basis for establishing the areas of special flood hazards.**

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map (multiple panels) Index No. 360249 0001-0012, whose effective date is December 1, 1981.
- (2) A scientific and engineering report entitled "Flood Insurance Study, Town of Lancaster, New York, Erie County" dated June 1, 1981.
- (3) Flood Boundary and Floodway Map (multiple panels) Index No. 360249 0001-0012, whose effective date is December 1, 1981.
- (4) LOMR effective 8/9/99 FEMA Case No. 99-02-045P, revising FIRM and FBFM panel 10.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the Town of Lancaster Building Inspector's Office, in the Town of Lancaster, Erie County, New York.

**NOW THEREFORE, BE IT  
RESOLVED, as follows:**

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law No. 5 of the Year 1999, which Law repeals in its entirety Local Law No. 3 of the Year 1999 and further identified as Sections 21-5 and 21-6, of Chapter 21 - "Floodplains", of the Code of the Town, and enacts in place thereof Local Law No. 3 of the Year 1999, and designated as Sections 21-5 and 21-6 of Chapter 21- "Floodplains" of said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:40 o'clock P.M., Local Time on the 2nd day of August, 1999, and that Notice of the Time and Place of such Hearing shall be published on July 22, 1999, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law No. 5 of the Year 1999, designated as Sections 21-5 and 21-6 of Chapter 21, "Floodplains" of the said Code for distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: rloclaw5.799

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted July 19, 1999, the said Town Board will hold a Public Hearing on the 2nd day of August, 1999, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law No. 5 of the Year 1999, which Local Law repeals in its entirety Local Law No. 3 of the Year 1999 identified as Section 21-5 and Section 21-6 of Chapter 21 - "Floodplains" of the Code of the Town of Lancaster, and enacts in place thereof a new Local Law of the Year 1999, identified as Section 21-5 and Section 21-6 of Chapter 21 - "Floodplains" of the Code of the said Town, briefly described as follows:

**"A Local Law which repeals Local Law No. 3 of the Year 1999, identified as Sections 21-5 and 21-6 of Chapter 21 - "Floodplains" of the Code of the Town of Lancaster and enacts in place thereof a new a new Local Law of the Year 1999, identified as Section 21-5 and Section 21-6 of Chapter 21 "Floodplains" of the Code of the Town of Lancaster.**

**This Local Law amends floodplain management regulations and correctly references the Flood Insurance Rate Map and the LOMR."**

Complete copies of this proposed Local Law are available in the Town Clerk's office for review by the public during regular business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: ROBERT P. THILL  
Town Clerk**

July 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

**WHEREAS**, RUSSELL SALVATORE, 6615 Transit Road, Lancaster, New York has submitted a Site Plan prepared by Daryl K. Martin, Architect, and dated July 7, 1999, for the construction of an 10,000  $\pm$  s.f. addition to its existing facility (Garden Place Hotel) located on its premises at 6615 Transit Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and by letter dated July 14, 1999 recommended approval of this project, and

**WHEREAS**, a SEQR review was conducted on this project on July 19, 1999, and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by Daryl K. Martin, Architect and dated July, 1999 for Russell Salvatore for construction of 10,000  $\pm$  s.f. addition to its facility, Garden Place Hotel, located at 6615 Transit Road, in the Town of Lancaster, subject to the following conditions

- Must install a fire hydrant in front of building on Transit Road to comply with prior condition;
- An additional fire hydrant shall be installed at south side of parking lot with location to be determined upon consultation with Fire Chief of Bowmansville Volunteer Fire Association.

The question of the adoption of the following resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: rasitsal.799

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to amend Chapter 50-Zoning of the Code of the Town of Lancaster, by deleting §50-23 (B) of Article V, in its entirety and enacting in place thereof a new §50-23 (B) of Article V of Chapter 50-Zoning of the Code of the Town of Lancaster, County of Erie, State of New York, which shall read as follows:

#### **CHAPTER 50-ZONING**

##### **ARTICLE V**

##### **Business Districts**

**§50-23. General regulations for business districts.**

.....

**B. Lighting .**

Lighting system design standards shall be as follows:

1. Exterior lighting shall be arranged so that adjoining properties and streets are protected from glare and hazardous light intrusion and the illumination shall be limited to the extent necessary to insure public safety. Lighting fixtures shall be designed, sized and located so as not to cast direct rays of excessive brightness upon adjoining properties or cause glare hazardous to pedestrians or persons using adjacent streets.
2. Illumination shall not be used for the purpose of advertising or attracting attention to the principal use.
3. Lighting fixture height above grade shall not exceed fifteen (15) feet in or adjacent to a residential district or use, and in no instance shall they exceed twenty (20) feet above grade.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to §130 of the Town Law of the State of New York, a Public Hearing on the said proposed amendment to §50-23 General Regulations for Business Districts, (B) Lighting of Article V of Chapter 50-Zoning will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on August 2, 1999 at 8:30 o'clock P.M., Local Time, and that notice of the time and place of such Hearing be published on July 22, 1999 in the Lancaster Bee, a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in form attached hereto and made a part hereof.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: razonorh.899

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO SECTION 50-23 (B) OF ARTICLE V  
ZONING ORDINANCE  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town of Lancaster adopted on the 19th day of July, 1999, the said Town Board will hold a Public Hearing on the 2nd day of August, 1999 at 8:30 o'clock P.M., Local Time, to hear all interested persons upon a proposed amendment of Chapter 50-Zoning, Article VII, §50-28 (E)(1) briefly summarized as follows:

**"An amendment to Chapter 50-Zoning by deleting §50-23 (B) of Article V, and enacting in place thereof a new §50-23 (B)**

**This new section sets forth lighting system design standards in a business district in the Town of Lancaster outside of the Villages of Lancaster and Depew.**

A full copy of this proposed ordinance amendment is on file in the Town Clerk's office and is available for public review during regular office hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **ROBERT P. THILL**  
Town Clerk

July 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

**WHEREAS**, it is essential for the orderly operation of Town Government in the absence of the Supervisor, that a Deputy Supervisor be appointed to serve at the pleasure of the Supervisor, and

**WHEREAS**, Section 42 of the Town Law authorizes the appointment of a Deputy Supervisor, and

**WHEREAS**, the Supervisor feels it is in the best interest of the Town of Lancaster to have a Deputy Supervisor;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That pursuant to Section 42 of the Town Law of the State of New York, Mark A. Montour, is hereby appointed Deputy Supervisor to serve at the pleasure of the Supervisor, and to exercise the power and duties of such Deputy Supervisor as provided by law, during the absence or inability to act as the Supervisor, or while the office of Supervisor is vacant, and

2. The office of Deputy Supervisor shall bear no additional compensation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: rpers\rpers (Pg2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Blue Cross & Blue Shield has recently announced that it will limit  
prescription providers to two, designated as Rite Aid and Tops under its health care plan, and

**WHEREAS**, the Town Board of the Town of Lancaster believes that such a  
limitation imposed on subscribers is not in the best interest of the residents of the Town of  
Lancaster and furthermore is monopolistic in nature, and

**WHEREAS**, the Town Board believes that it is in the interest of its residents to  
have a choice in determining which pharmacy will fill their prescriptions;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby goes on record as  
opposing the action taken by Blue Cross & Blue Shield in limiting the choice of pharmacies for  
filling prescriptions to the two designated by Blue Cross & Blue Shield and further  
memorializes Blue Cross to reconsider its recent action, and

2. That the Town Clerk of the Town of Lancaster is directed to forward a  
certified copy of this resolution to the attention of the President of Blue Cross & Blue Shield.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: rbc&bs.799

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MARYNIEWSKI, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by  
the Director of Administration and Finance, to wit:

Claim No. 9546 to Claim No. 9809 Inclusive  
Total amount hereby authorized to be paid: **\$663,896.41**

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MARYNIEWSKI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby  
approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived  
for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

Pmt # SW	Applicant Name	Address	Structure
6051	Donato Homes Inc	189 Nathan's Trl	Er. Sin. Dwlg
6055	Lewczyk, David	129 Simme Rd	Er. Garage
6056	RJF Development JV	5082 William St	Er. Sin. Dwlg
6057	Dwigun, Jerome	38 Partridge Walk	Res. Alteration
6058	Carnevale, Ronald	25 Stream View Ln	Er. Pool
6059	Schroeter, Bernd	9 Bentley Cir	Er. Pool
6060	Bella Vista Group Inc	4891 Transit Rd	Er. Temp. Sign
6061	Schiller, Gregory	397 Seneca Pl	Er. Deck
6062	RJF Development JV	11 Stream View Ln	Er. Sin. Dwlg
6063	RJF Development	16 Stony Brook Dr	Er. Sin. Dwlg
6064	Gallagher, Dean	3 Windcroft Ln	Er. Pool
6065	Gallagher, Dean	3 Wilma Dr	Er. Fence
6066	Mitola, Patrick	5 Village View	Er. Pool
6067	Mitola, Patrick	5 Village View	Er. Fence
6068	Morgan, Timothy	9 Glendale Dr	Er. Deck
6069	McNamara, Michael	61 Michael's Walk	Er. Shed
6070	Radder, Paul	230 Enchanted Forest N	Er. Pool
6071	Radder, Paul	230 Enchanted Forest N	Er. Fence
6072	Liberati, Frank	3556 Walden Ave	Er. Deck
6073	Hayes, Warren	5 Sugarbush Ln	Er. Deck
6074	Dobmeier, James	217 Pleasant View Dr	Er. Pool
6075	Bak, John	437 Pleasant View Dr	Er. Shed
6076	Taberski, Robert	4 Hunters Dr	Er. Fence
6077	Schulmerich, Richard	56 Village View	Er. Shed
6078	Williams, Tim	11 Partridge Walk	Res. Alteration
6079	Czine, Joseph	18 Traceway	Er. Pool
6080	Tredo, Michael	75 Michael Anthony Ln	Er. Fence
6081	Mazurek, Robert	5998 Broadway	Er. Pool
6082	Mazurek, Robert	5998 Broadway	Er. Fence
6083	Domanowski, Sigmund	5017 William St	Er. Pool
6084	Ciichon, John	3994 Walden Ave	Com. Addition/Alt
6085	Domanowski, Sigmund	5017 William St	Er. Fence
6086	Lauer, William	4238 Walden Ave	Sign Pole

6087	M A Tufillaro Bldrs	9 Michael Anthony Ln	Er. Sin. Dwlg
6088	Stewart, Gregory	37 Meadow Lea Dr	Er. Fence
6089	Gulla, Peter	6711 Transit Rd	Er.Temp. Sign
6090	Marrano/Marc Equity	372 Seneca Pl	Er. Sin. Dwlg
6091	Pleasantview Assoc Inc	42 Stony Brook Dr	Er. Sin. Dwlg
6092	Malik, Adam	752 Hall Rd	Er. Fireplace/wood stove
6093	Mertzluft, Timothy	10 Village View	Er. Deck
6094	Schmidt, David	5 Ellie Ct	Er. Fence
6095	O'Bara, Dennis	757 Schwartz Rd	Er. Pool
6096	Gardner, David	18 Stone Hedge Dr	Er. Deck
6097	Nitkowski, Anthony	10 Stream View Ln	Er. Fence
6098	Nitkowski, Anthony	10 Stream View Ln	Er. Pool
6099	Gibson, Glenn	5915 Broadway	Com. Addition/Alter
6100	Kalinowski, Brian	6403 Genesee St	Demolition
6101	Wieczosck, Matthew	3847 Walden Ave	Er. Pool
6102	Jaskowiak, Michael	35 Bentley Cir	Er. Shed
6103	Beamish, Gregory	42 Bentley Cir	Er. Deck
6104	Tomporowski, Eugene	2 Wainwright Ct	Er. Garage
6105	M D M Petroleum Inc	3524 Walden Ave	Er. Sign Pole
6106	Wagner, Roger	5 Partridge Walk	Res. Addition
6107	Martens, Theresa	53 Woodgate Dr	Er. Fence
6108	Martens, Theresa	53 Woodgate Dr	Er. Pool
6109	Trzaska, James	16 Stony Brook Dr	Er. Shed
6110	Forestream Village Inc	4733 Transit Rd	Er. Temp Sign
6111	Ruch, Timothy	169 Enchanted Forest S	Er. Pool
6112	Ruch, Timothy	169 Enchanted Forest S	Er. Fence
6113	Domino, Daniel	37 Fox Hunt Rd	Er. Deck
6114	Cesari, John	2 Old Schoolhouse Rd	Er. Gazebo
6115	Najuch, Kenneth	19 Stone Hedge Dr	Er. Deck
6116	Blanchard, Kevin	161 Schlemmer Rd	Er. Pool
6117	Blanchard, Kevin	161 Schlemmer Rd	Er. Fence
6118	Eberth, Garrett	69 Newberry Ln	Er. Pool
6119	Eberth, Garrett	69 Newberry Ln	Er. Fence
6120	Taradowski, Mark	11 Riemers Ave	Er. Fence
6121	Fu, Chi S	5763 Broadway	Er. Sign Pole
6122	Sciortino, Paul	309 Enchanted Forest N	Er. Deck
6123	Progressive Realty Assoc	6495 Transit Rd	Er. Temp Sign
6124	Cammarano, David	32 Sagebrush Ln	Er. Shed
6125	Forbes Homes Inc	61 Quail Run Ln	Er. Sin. Dwlg
6126	La Piana, Paul	296 Enchanted Forest N	Er. Shed
6127	Hernandez, Marcelino	2 Main St	Er. Deck
6128	RJF Development	53 Stream View Ln	Er. Sin. Dwlg
6129	M A Tufillaro Homes	29 Michael Anthony Ln	Er. Sin. Dwlg
6130	Hardy, Samuel	437 Lake Ave	Er. Fence

6131	Hillestad, Keith	107 Pheasant Run Ln	Er. Shed
6132	Hoffman, John	103 Pheasant Run Ln	Er. Shed

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 1999

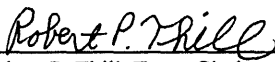
File:Rbldg2



401. Erie County Dept. Of Environment and Planning to Town Attorney -  
Designation of Lead Agency to Town of Lancaster for SEQR Review of rezone  
application of Richard and Mary Sharpe 5161 Transit Road. DISPOSITION =  
Received and Filed
402. Youth Bureau Ex. Director to Supervisor -  
Request appointment of seasonal employees for summer programs. DISPOSITION =  
Received and Filed
403. Police Chief to Town Clerk.  
Approval of Game Room License - AMF Bowling Center. DISPOSITION =  
Received and Filed
404. Susan M. Blank to Town Board -  
Request to amend dates of leave without pay. DISPOSITION = Received and Filed
405. Henry G. Golda to Jay Ray, Buffalo News -  
Comments and concern re. articles in paper on revaluation for property taxes.  
DISPOSITION = Received and Filed
406. Irvine G. Reinig II to Director of Parks and Recreation -  
Letter of appreciation for spraying of crab apple trees on Columbia Ave. DISPOSITION  
= Received and Filed
407. NYS Dept. of Environmental Conservation to Supervisor -  
Advisement to amend Local Law to reflect the newer Letter of Map Revision (LOMR).  
DISPOSITION = Town Engineer, Building Inspector
408. Alan P. Kozlowski to Town Board -  
Requests withdrawal of Special Use Permit Application scheduled for Monday, July 19,  
1999.. DISPOSITION = Received and Filed
409. Town Attorney to Marrano/Marc Equity Corporation -  
Notice of violations with penalty re: Trentwood Trail Subdivision . DISPOSITION =  
Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED  
BY THE ENTIRE TOWN BOARD AND CARRIED,** the meeting was adjourned at  
9:40 P.M.

  
Robert P. Thill, Town Clerk

**COMMUNICATIONS:**

385. NYS Office of Alcoholism and Substance Abuse to Supervisor -  
Transmittal of revised Appendix B for contract with Town of Lancaster. DISPOSITION = Received and Filed
386. Town Tax Receiver to Town Board -  
Transmittal of final report of 1999 County/Town tax collection. DISPOSITION = Received and Filed
387. Erie County Association of Chiefs of Police to Supervisor -  
Express appreciation for Town's public support and confidence in Thomas Fowler, Chief of Police. DISPOSITION = Received and Filed
388. Lancaster/Depew Steering Committee Meals on Wheels to Supervisor -  
Request the Town to supplement the Meals on Wheels Program. DISPOSITION = Supervisor
389. Cheektowaga Town Clerk to Supervisor -  
Transmittal of resolutions adopted by Cheektowaga Town Board at meeting 7/6/99. DISPOSITION = Received and Filed
390. NYS Dept. Of Transportation to Deputy Town Attorney -  
Review and comments re: SEQR Review Sharpe rezone application. DISPOSITION = Received and Filed
391. NYS Dept. Of Environmental Conservation to Town Attorney -  
Designation of SEQR Lead Agency re: rezone application of James/Mary Sharpe. DISPOSITION = Received and Filed
392. NYS Dept. Of Environmental Conservation to Town Attorney -  
Designation of SEQR Lead Agency re: rezone application of Eric and Anne Putnam. DISPOSITION = Received and Filed
393. Carleen Blake Ryan to Town Board -  
Request denial of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
394. George Ciano to Town Board -  
Transmittal of request from Sierra Club Suburban Sprawl Committee for denial of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
395. George Ciano to Town Board -  
Transmittal of request from Depew/Cheektowaga Taxpayers Association for denial of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
396. George Ciano to Town Board -  
Transmittal of petition from the United Food and Commercial Workers District Union Local One requesting denial of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
397. George Ciano to Town Board -  
Transmittal of petition containing 326 signatures requesting denial of the rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
398. Planning Board to Town Board -  
Conveyance of minutes of meeting held July 7, 1999. DISPOSITION = Received and Filed
399. Planning Board to Town Board -  
Grant approval of site plan for Salvatore's Garden Place Hotel. DISPOSITION = Received and Filed
400. Erie County Dept. Of Environment and Planning to Town Attorney -  
Designation of Lead Agency to Town of Lancaster for SEQR Review of rezone application of Eric and Anne Putnam 5250 Genesee Street. DISPOSITION = Received and Filed